

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Michael DIB, et. al. Examiner: **Kim, Jennifer M.**
Serial No.: **10/773,480** Art Unit: **1617**
Filed: **February 6, 2004**
Title: **Application of 2-cyano-10-(2-methyl-3-(methylamino)-propyl)phenothiazine or a pharmaceutically acceptable salt as medicament**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment and Response Pursuant to a Request for Continued Examination under 37 C.F.R. § 1.114

Sir:

This amendment and response is being filed together with a Request for Continued Examination (RCE) pursuant to an Advisory Action that was mailed to Applicants' Attorney on September 29, 2008 after a Final Office Action on the merits of the claims of the above-referenced patent application that was mailed to Applicants' Attorney on May 27, 2008. Said Final Office Action had a shortened statutory period for response of three (3) months which resulted in an original due date for response of August 27, 2008. Said Advisory Action continued to reject the claims over the prior art and did not enter the amendment after final since it was asserted to not place the claims in proper form for allowance. It is respectfully requested that the previously submitted Amendment After Final not be made of record and the present amendment and response be entered into the record in its' place pursuant to this Request for Continued Examination as it is asserted that the claims are now in proper form for

allowance and issue. Applicants also respectfully request a two (2) month extension of time under 37 C.F.R. §1.136 which will result in a timely filing of this RCE. The amendments to the claims may be found on page 3 et. seq. while the remarks pertaining to the Examiners' rejections may be found starting at page 6.